



Department of the Environment

TMDL Implementation Guidance Workshop

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Patuxent Research Refuge

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Motivation and Objectives

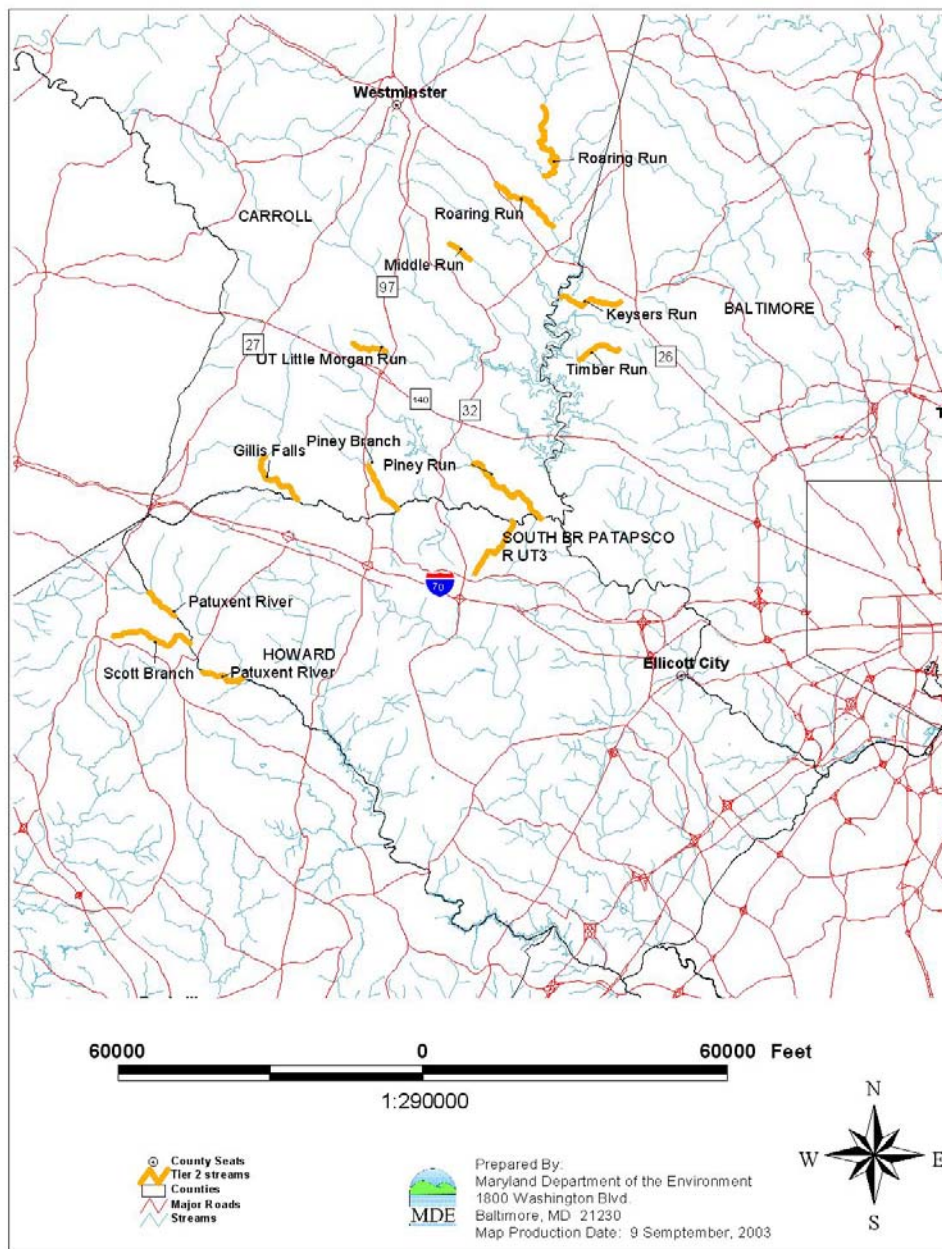
- Continue discussion of TMDL implementation framework
- Review and discuss the Guidance document
- Discuss and share various approaches, challenges and successes.
- Set future directions for ongoing discussions
- Cooperatively begin to solve some difficult problems

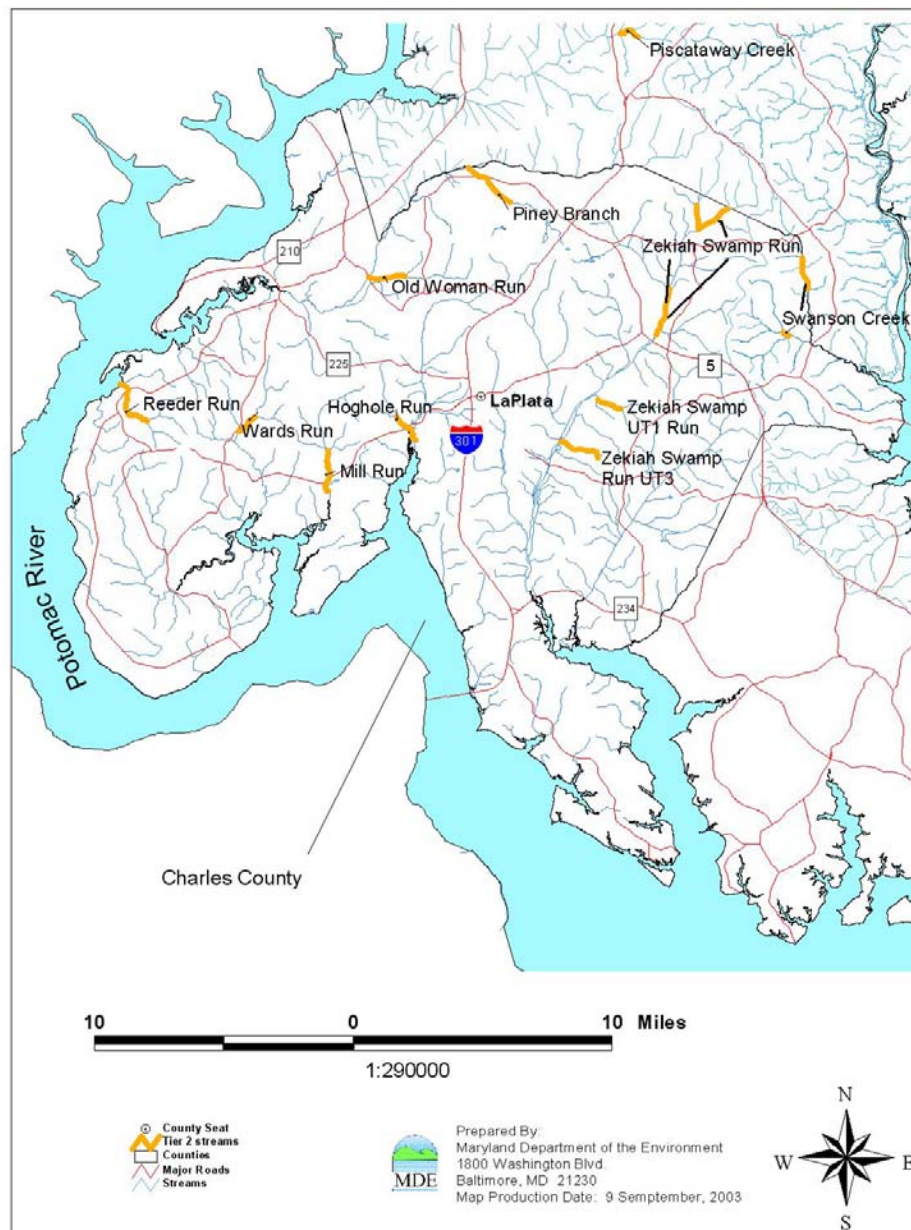


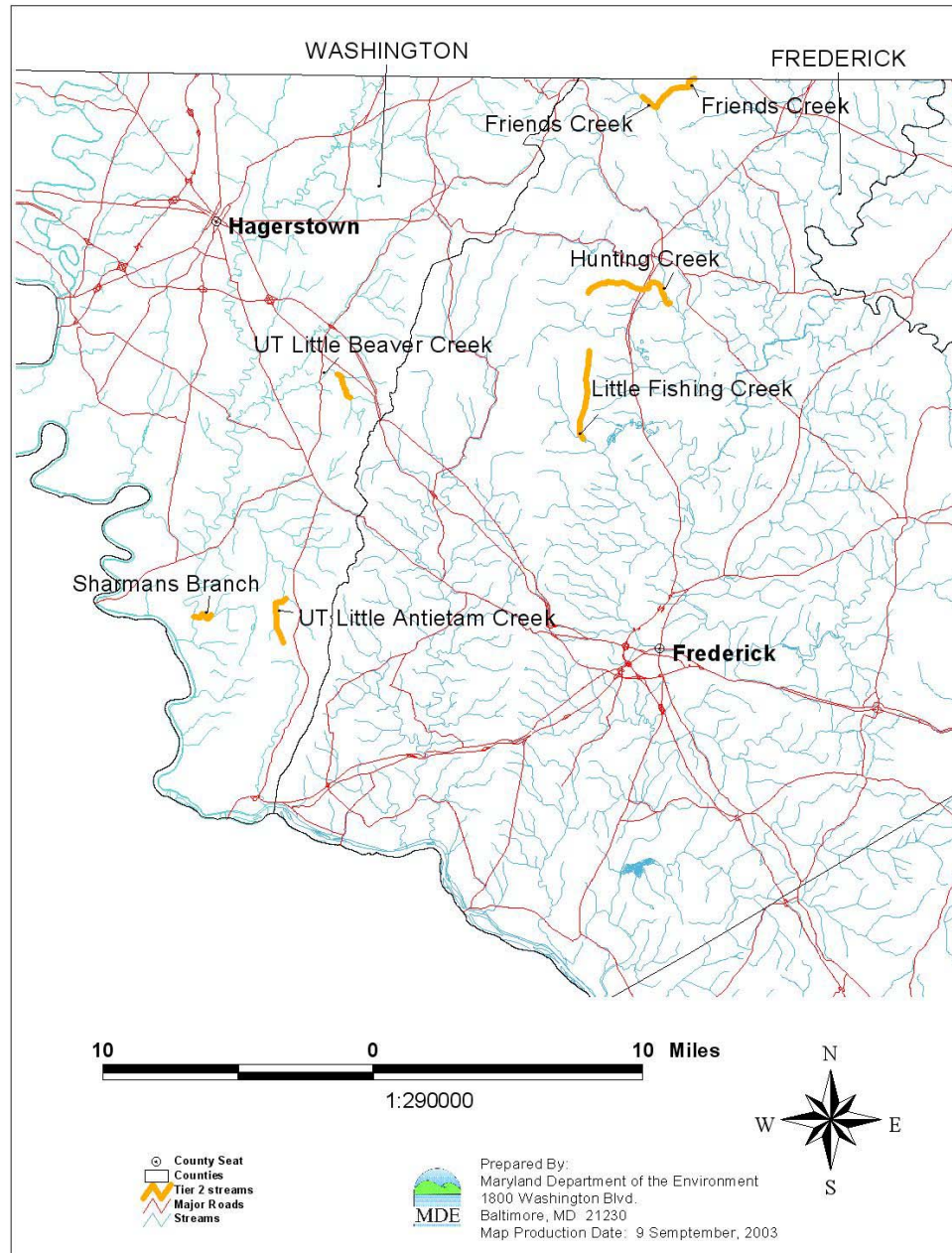
Anti-degradation

- Required by the Clean Water Act
- Tier 2 requires that “high quality” waters remain high quality
- MDE has had a policy for a long time, but only recently published regulations implementing it.
- Specific stream segments that are Tier 2 are specified in regulation.









Identification of Tier 2 Waters

- Based on actual monitoring information.
- Unlike other States, not the default.
- 80% or better on both IBI's (IBI = 4), or
- 90% percentile of available data better than criterion.
- Specified on the segment level.

Assimilative Capacity

- Like TMDLs, anti-degradation addresses assimilative capacity, defined as:
- 25% of the difference between the baseline and criterion.
- Once the assimilative capacity is used, like a TMDL, we have a cap.
- It doesn't matter if the assimilative capacity is used by specific projects or by “general nonpoint sources.”

Application

- Applies to both amendments to Water and Sewer plans as well as to permit applications.
- Should be institutionalized as part of the planning process both for BPW and Comp Planning
 - Will a projected action impact Tier 2 water?
 - Should a water be Tier 2 and isn't?

Anti-degradation

- Three key review points:
 - Can the discharge be moved to a non-Tier 2 water segment?
 - If not, has everything possible been done to minimize the impact.
 - If there must still be an impact, need an economic and social justification.
- Requirements for innovative practices in Smart Growth Areas may serve for the SEJ



Anti-degradation

- Why talk about anti-degradation in connection with TMDLs?
 - Think broadly about water quality.
 - Prevents other waters from becoming impaired.
 - Helps to maintain water quality.
 - Should be part of water quality planning.
 - Cap load maintenance.



Additional Segments

- Every three years, MDE reviews water quality standards and data and evaluates whether additional waters should be Tier 2.
- Local data, if accompanied by a QA/QC plan can be used to help you protect waters you feel need this level of protection, and can therefore be part of your land use planning.